

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

Bail Appl..No. 6402 of 2006

AGAINST THE ORDER IN BA.5776/2006
CMP.4936/2006 of J.M.F.C., THIRUVALLA
CRIME NO.707/2002 OF THIRUVALLA POLICE STATION
.....

PETITIONER

CHERIYA @ BABU,
S/O.CHERIYAN, PANICKER PARAMBIL HOUSE,
IDINJILLAM MURI, KAVUMBHAGOM VILLAGE,
THIRUVALLA TALUK.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 6402/2006

DATED THIS THE 7TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner is accused of the offence punishable under Sections 376 and 315 IPC and also under Section 3(1)(xii) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, in crime No.707/2002 of Thiruvalla Police Station. He remains in judicial custody from 28.9.2006. Hence this application, under Section 439 Cr.P.C.

2. It is alleged that the petitioner had committed rape on the defacto complainant, a scheduled caste woman, and made her pregnant. Thereafter, he prevented her from delivering the child and hence, on complaint, the case had been registered.

3. The investigation is complete, submits either side. However, as the Investigating Officer is not available in the station, further investigation could not be

proceeded with, submits the prosecution.

4. In the above facts situation of the case, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Thiruvalla.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Monday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 13.11.2006, and thereafter, on the first working day of every month, between the same timings, till the completion of the trial and final disposal of the Sessions Case.

(c). The petitioner shall not attempt to influence or threaten the victim or witnesses or cause any hindrance to the smooth conduct of the prosecution case.

(d). The petitioner shall not leave the State of Kerala, until the final trial and disposal of the Sessions Case.

The application is allowed as above.

**J.M.JAMES
JUDGE**

mrCS